

REMARKS

INTRODUCTION:

In accordance with the foregoing, the specification has been amended. No claims have been canceled, no claims have been amended, and no claims have been added. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-2 and 4-25 are pending and under consideration. Reconsideration is respectfully requested.

ALLOWED CLAIMS:

The Applicants acknowledge with appreciation that claims 1-2 and 4-15 have been allowed.

REQUEST FOR REMOVAL OF FINALITY:

The Applicants respectfully request the removal of the finality of the present Office Action because art relied upon in the previous Office Action (dated November 11, 2004) was not cited in the previous Office Action. 37 CFR 1.104 mandates that domestic patents be cited by number, date and patentee(s). U.S. Patent No. 6,278,736, issued to De Haan et al., was relied upon in the previous action, but first cited in the present Office Action. Accordingly, removal of the finality of the present Office Action is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

At pages 2-4 of the Office Action, claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,682,205 issued to Sezan et al. in view of U.S. Patent No. 6,509,930 issued to Hirano et al. The reasons for the rejection are set forth in the Office Action and therefore are not repeated. The rejection is traversed and reconsideration is respectfully requested.

The Applicants respectfully submit that the rejection fails to establish a prima facie case of obviousness. To establish a prima facie case of obviousness, three basic criteria must be met. MPEP 2142. First, there must be some suggestion or motivation, either in the references

themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

The Office Action states, on page 3, that

it would have been obvious to one of ordinary skill in the art to use temporal as well as spatial interpolation as disclosed by Hirano (element 2 in Fig. 1: col. 4 lines 14-25), who in a similar deinterlacing system selects between motion vector compensation and adaptive spatiotemporal interpolation based on the amount of motion detected, for the clear benefit of generating a more accurate representation for the interpolated pixel.

The Applicants respectfully note the absence of a citation to a specific portion of either Sezan or Hirano for providing a motivation to combine the references. Accordingly, the Applicants respectfully submit that the Examiner's proposed combination of the teachings amounts to improper hindsight reconstruction.

The Applicants respectfully submit that at least because no suggestion or motivation to combine the references has been shown, claims 16 and 17 are deemed to be allowable over the art of record. Therefore, withdrawal of the §103(a) rejection is respectfully requested.

At page 4 of the Office Action, claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Sezan in view of Hirano, and further in view of De Haan. The reasons for the rejection are set forth in the Office Action and therefore are not repeated. The rejection is traversed and reconsideration is respectfully requested.

The Applicants respectfully submit that the rejection fails to establish a *prima facie* case of obviousness. The Office Action states on page 4:

De Haan also estimates global motion vectors for applications including deinterlacing (e.g. col 3 lines 32-33), and points out the benefit of histograms in obtaining identifying most accurate vectors for subsequent application (col. 15 lines 9-20).

In view of this explicit benefit, it would have been obvious to one of ordinary skill in the art to use histograms to identify the optimum motion vector from among a group of estimated vectors, in the system of Sezan as modified by Hirano, as specifically taught in the similar system of De Haan, thereby meeting claim 18.

The Applicants respectfully note the absence of a citation to a specific portion of either Sezan,

Hirano, or De Haan for providing a suggestion or motivation to combine the references.

The Applicants respectfully submit that at least because no suggestion or motivation to combine the references has been shown, claim 18 is deemed to be allowable over the art of record. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

At pages 4-6 of the Office Action, claims 19-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Sezan in view of Hirano and De Haan, and further in view of U.S. Patent No. 5,784,115 issued to Bozdagi. The reasons for the rejection are set forth in the Office Action, and are therefore not repeated. The rejection is traversed and reconsideration is respectfully requested.

Claims 19-25 depend, directly or indirectly, on independent claim 18. As discussed above, the rejection of claim 18 fails to establish a prima facie case of obviousness. The Applicants respectfully submit that Bozdagi fails to provide the missing motivation to combine Sezan, Hirano, and De Haan. For at least this reason, claims 19-25 are deemed to be allowable over the art of record.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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